

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Soshu Kirihaara et al.

Application No.: 10/509,730

Confirmation No.: 9942

Filed: September 30, 2004

Art Unit: 1775

For: THREE DIMENSIONAL PERIODIC
STRUCTURE AND METHOD OF
PRODUCING THE SAME

Examiner: Gordon Baldwin

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated October 31, 2007, please reconsider the above-identified U.S. patent application amended as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 5 of this paper.

FEE CALCULATION

Any additional fee required has been calculated as follows:

| | No. Claims After Amendment | | Highest No. Previously Paid For | | Extra Present | | Rate | Additional Fee |
|---|----------------------------------|-------|--|---|------------------|---|------|-------------------|
| Total | 12 | MINUS | 20** | = | 0 | X | | \$ |
| Indep. | 2 | MINUS | 3** | = | 0 | X | | \$ |
| First presentation of multiple dependent claim(s) | | | | | | X | | \$ |
| TOTAL | | | | | | | | \$ -0- |

* not less than 20

** not less than 3

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2215.

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 CFR 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 CFR 1.135. The fee under 37 CFR 1.17 should be charged to our Deposit Account No. 50-2215.